

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiffs,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

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VOLUME I OF THE DEPOSITION OF
W. A. SAUNDERS, produced as a witness on behalf of
the Plaintiffs in the above styled and numbered
cause, taken on the 23rd day of October, 2006, in
the City of West Siloam Springs, County of Delaware,
State of Oklahoma, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

1 A Okay.

2 Q What is your formal education?

3 A High school.

4 Q Where was that?

5 A Gentry, Arkansas. I had some secondary
6 education in diesel mechanics in northwest Oklahoma
7 and school of hard knocks, got a masters in that.

12:08PM

8 Q And the diesel mechanic, tell me what that
9 was.

10 A It was just Vo-Tech school.

12:09PM

11 Q Where was the school?

12 A Northwest Area Vo-Tech in Alva, Oklahoma.

13 Q Alva?

14 A Uh-huh.

15 MR. GARREN: Off the Record a second.

16 (Whereupon, a discussion was held off
17 the Record.)

18 Q How long have you been a poultry growing
19 farmer?

20 A We started in February of 2001.

12:09PM

21 Q Okay, and did you purchase an operating -- a
22 growing operation when you did?

23 A I did.

24 Q From whom did you purchase it?

25 A Keith Morgan.

12:10PM

1 Q And who was he growing for?

2 A Peterson.

3 Q How many houses was there in that operation
4 that you purchased?

5 A Five. I assume you're saying poultry houses? 12:10PM

6 Q Poultry houses, yes, sir. Did he have any
7 other operations that you're aware of, poultry
8 growing operations?

9 A Yes, I believe he did.

10 Q Do you know whether he's still a grower today? 12:10PM

11 A I believe he is.

12 Q Do you know where that other operation exists
13 or is located?

14 A The one he's at now I believe is still in
15 Delaware County. It's just off of Highway 412. I 12:10PM
16 have no idea what the address is.

17 Q Do you know if he is still growing for
18 Peterson there?

19 A To my knowledge.

20 Q Does he have any residual contractual rights 12:11PM
21 or benefits flowing from that sale?

22 A No.

23 Q Was it a cash sale and he's done?

24 A He's done.

25 Q Have you grown for any other integrators 12:11PM

1 besides the Peterson Farms, Inc.?

2 A No.

3 Q Can you tell me who Evans & Evans Farms, Inc.,
4 is?

5 A I believe it's the operation end of Peterson 12:11PM
6 Farms. I mean that's who places -- at one time who
7 the contract was with is Evans & Evans.

8 Q Okay.

9 A Basically the same thing to me, one and the
10 same as Peterson Farms to my knowledge. 12:11PM

11 Q Okay. Did the people that you deal with or
12 talk with represent themselves as Dean Peterson as
13 opposed to Evans & Evans or did they distinguish
14 themselves?

15 A I don't know that they refer themselves to 12:12PM
16 anything. The contract --

17 Q Do they have any kind of uniform or hat?

18 A Evans & Evans, not that I'm aware of.

19 Q Do you see any uniform or hat or other
20 indication of affiliation for Peterson? 12:12PM

21 A Not on my farm actually, no.

22 Q So you have a flock inspector, and we'll
23 define that term later, a person that comes from
24 either Peterson or Evans to manage or inspect or

25 make recommendations on your farm, do they have any 12:12PM

1 A A couple of years ago I'm assuming. I don't
2 remember exactly, sir.

3 Q What facts or reasons did you have for going
4 into the poultry growing operation business?

5 A To try to make my cow operation work better. 12:38PM

6 Q And how do you mean by that?

7 A By the fertilizer.

8 Q And tell me what --

9 A Poultry litter. I bought a piece of farm land
10 that was very poor, had been cleared, then left to 12:38PM
11 go back to seed, had never been taken care of.

12 Fertility on it was little to none, and I was either
13 going to have to put a tremendous amount of

14 commercial litter on it, commercial fertilizer or

15 poultry litter. With the number of acres I had, I 12:38PM

16 could not afford the commercial. Plus, I was

17 working out and trying to support a cow farm, and

18 the chicken farm gave me a chance to stay at home

19 and make a living and improve my cow farm.

20 Q So you bought it in order to have the waste 12:39PM
21 from the poultry farm?

22 A As well as the income from the poultry farm,
23 sure.

24 Q Had you ever used -- rephrase it. Had you

25 ever applied poultry waste to your farm prior to 12:39PM

1 MR. THOMPSON: Object to the form.

2 A I did.

3 Q Let me ask you this, sir: Do you know whether

4 or not if you chose not to keep the poultry waste,

5 whether you could be a grower for Peterson?

12:43PM

6 A I don't know.

7 Q Did you inquire at any time whether that was

8 an option?

9 A No, sir, I did not, being it was one of the

10 main purposes I bought the farm to start with. I

12:43PM

11 wanted the litter.

12 Q Was there any representation made to you by

13 Peterson representatives about the value of the

14 poultry litter or poultry waste that's produced from

15 that operation?

12:43PM

16 A No.

17 Q In this set of documents from Exhibit 1, look

18 at Page 785.

19 MR. WILLIAMS: Saunders 271?

20 MR. GARREN: 785. They should be in

12:44PM

21 numerical order and they'll be skipping large

22 numbers.

23 A We're getting closer.

24 Q I direct your attention to Paragraph H on that

25 Page 4 of that contract. Do you see that?

12:44PM